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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/527,924	03/17/2000	Nozomi Miura	32429	3861

116 7590 06/06/2003

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EXAMINER
VUONG, QUOCHIEN B

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/527,924	MIURA, NOZOMI	
	Examiner	Art Unit	
	Quochien B Vuong	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 March 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) *2,4-7 and 11-14* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,8,9 and 15* is/are rejected.

7)☒ Claim(s) *3 and 10* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *3 & 4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 02/20/01 and 05/21/01 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8, 9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gottfried et al. (U.S. Patent Number 5,613,230).

Regarding claim 1, Gottfried et al. (figure 1) disclose an automatic gain control circuit comprising: a gain variable amplifier (item 14) which controls an amplitude of a

receiving signal based on a control signal (column 3, lines 11-14); control signal generating means (items 40 and 22) for level-detecting the receiving signal and then generating a feedback signal as the control signal for the gain variable amplifier (column 3, line 55- column 4, line 5); and controlling means for deciding at least one of a generation timing of the control signal and a generation period of the control signal in response to a predetermined physical quantity, and controlling the control signal generating means (column 5, lines 23-31).

Regarding claim 8, Gottfried et al. (figure 1) disclose a receiver device comprising: an automatic gain control circuit including: a gain variable amplifier (item 14) which controls an amplitude of a receiving signal based on a control signal; control signal generating means (items 40 and 22) for level-detecting the receiving signal and then generating a feedback signal as the control signal for the gain variable amplifier (column 3, line 55- column 4, line 5); and controlling means for deciding at least one of a generation timing of the control signal and a generation period of the control signal in response to a predetermined physical quantity, and controlling the control signal generating means (column 5, lines 23-31).

Regarding claim 9, Gottfried et al. (figure 1) disclose an automatic gain control method in a receiver device including a gain variable amplifier (item 14) which controls an amplitude of a receiving signal based on a control signal, the method comprising: a control signal generating step of level-detecting the receiving signal and then generating a feedback signal as the control signal for the gain variable amplifier (column 3, line 55-column 4, line 5); and a controlling step of deciding a generation timing of the control

signal or a generation period of the control signal in response to a predetermined physical quantity (column 5, lines 23-31).

Regarding claim 15, Gottfried et al. (figure 1) disclose a computer-readable recording medium for recording the automatic gain control method for the receiver device as a program to be executed by a computer, said method comprising: a control signal generating step of level-detecting the receiving signal and then generating a feedback signal as the control signal for the gain variable amplifier (items 14, 40, and 22) (column 3, line 55- column 4, line 5); and a controlling step of deciding a generation timing of the control signal or a generation period of the control signal in response to a predetermined physical quantity (column 5, lines 23-31).

5. Claims 1, 8, 9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yasumura (U.S. Patent Number 4,292,598).

Regarding claims 1, 8, 9, and 15, Yasumura (figure 5) disclose an automatic gain control circuit, method, and a computer-readable recording medium for recording the automatic gain control method, comprising: a gain variable amplifier (item 10) which controls an amplitude of a receiving signal based on a control signal; control signal generating means (items 12, 14, and 16) for level-detecting the receiving signal and then generating a feedback signal as the control signal for the gain variable amplifier; and controlling means for deciding at least one of a generation timing of the control signal and a generation period of the control signal in response to a predetermined

physical quantity (item 18), and controlling the control signal generating means (column 2, line 66 – column 3, line 17).

Allowable Subject Matter

6. Claims 3 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3 and 10, Gottfried et al. and Yasumura disclose the automatic gain control circuit and method as in claims 1 and 9 above, respectively. However, Gottfried et al. and Yasumura fail to teach or suggest the automatic gain control circuit and method wherein the controlling means decides the generation timing of the control signal or the generation period of the control signal using a lapsed time in operation of the automatic gain control circuit as the predetermined physical quantity.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Masuko (U.S. Patent Number 4,827,511) discloses an automatic gain control circuit for controlling gain of video signal in television receiver.

Graham et al. (U.S. Patent Number 5,724,652) disclose a method for acquiring a rapid automatic gain control (AGC) response in a narrow band receiver.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA 22202, Sixth Floor (Receptionist).

Any inquiry concerning this communication from the examiner should be directed to Quochien B. Vuong whose telephone number is (703) 306-4530. The examiner can normally be reached on Monday through Friday from 9:30 a.m. to 6:00 p.m. EST.

If attemps to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377.

QUOCHIEN VUONG
PATENT EXAMINER

Quochien B. Vuong

June 2, 2003.